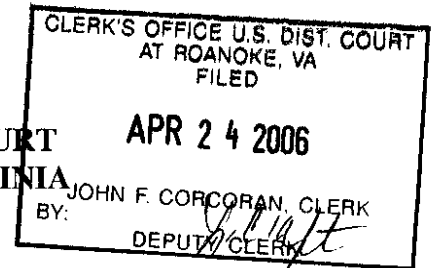


IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION



EMJADIA PORTER,  
Petitioner,

v.

UNITED STATES OF AMERICA,  
Respondent.

Civil Action No. 7:00cv00679

**MEMORANDUM OPINION & ORDER**

By: Hon. Michael F. Urbanski  
United States Magistrate Judge

This matter is before the court upon petitioner's motion to proceed in forma pauperis ("IFP") on appeal. The district court may deny a motion to proceed IFP when the issues raised are so frivolous that the appeal would be dismissed in the case of a nonindigent ... [or] where there is clear indication that the conduct of an indigent appellant amount to a deliberate harassment of the courts or an intentional abuse of the judicial process." Liles v. South Carolina Dep't of Corrections, 414 F.2d 612, 614 (4th Cir. 1969).

On August 30, 2000, Porter filed a motion to vacate, set aside or correct his sentence, pursuant to 28 U.S.C. § 2255, and on April 6, 2001, the court dismissed his petition. Petitioner's first motion for reconsideration was denied on May 11, 2001. Porter then filed an appeal; and, the Fourth Circuit dismissed his appeal on November 8, 2001. Additionally, his petition for rehearing was denied on January 29, 2002. Then, on February 25, 2005, petitioner filed a second motion for reconsideration of the court's April 6, 2001 Order; it was denied on March 11, 2005. On April 5, 2005, Porter filed a third motion for reconsideration and, it too, was denied. Porter appealed the denial of his second and third motions for reconsideration, but the Fourth Circuit dismissed his appeals and denied his petition for rehearing. Petitioner then filed a motion to alter or amend this court's April 6, 2001 Order; it was denied on February 28, 2006.

Petitioner has now filed an appeal of the court's latest Order denying his fourth motion for reconsideration or alteration of the court's April 6, 2001 Order dismissing his § 2255 petition. Again, petitioner desires to proceed IFP on appeal. Porter has had at least four opportunities, since the dismissal of his § 2255 petition, to argue his claims to this court, and the court has repeatedly found his arguments lack merit and fail to demonstrate that he is entitled to relief. Further, the Fourth Circuit has also reviewed and dismissed petitioner's claims on two previous occasions. Accordingly, this court finds that plaintiff has numerous opportunities to litigate this matter both before this court and before the appellate court, and that the instant appeal of the court's denial of his fourth motion for reconsideration amounts to nothing more than an abuse of the judicial system. Accordingly, it is hereby **ORDERED** that petitioner's motion to proceed in forma pauperis on appeal shall be and hereby is **DENIED**.

The Clerk is directed to send certified copies of this order to petitioner and to counsel of record for the respondent.

ENTER: This 24<sup>th</sup> day of April, 2006.

  
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United States Magistrate Judge